IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 185 of 2000

For Approval and Signature: Sd/-

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

FEDERAL BANK LTD.

Versus

VIRENDRAKUMAR SING

Appearance:

MR KM PARIKH for Appellant

MR BS PATEL for Respondent No. 2

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 20/02/2002

ORAL JUDGEMENT

1. The original defendant No.1 has filed this appeal under Section 104 read with Order-43, Rule-1(r) of the Civil Procedure Code, challenging an order dated 29/4/2000 passed below application Ex.5 in Special Civil Suit No.1057 of 1999, which is pending on the file of learned 6th Joint Civil Judge (S.D.), Vadodara. By said order, defendants were restrained by the learned Judge of

the trial Court to implement any departmental inquiry against the plaintiff i.e. respondent No.1 till the criminal case pending against the plaintiff is over. When this appeal was filed, the appellant submitted a Civil Application No.3520 of 2000 and on 10/5/2000, this Court (Coram : K.R.Vyas,J.) granted relief in terms of para-9(c) of the application in favour of the present appellant. By granting that prayer, the stay was granted against the implementation, operation and execution of the impugned order dated 29/4/2000, which has been challenged in this appeal. As per para-9(c) of the Civil Application No.3520 of 2000, the permission was granted to the respondent No.2 i.e. Inquiry Officer, who was appointed by the appellant to proceed with and continue the departmental inquiry against the original plaintiff i.e. respondent No.1 in accordance with law.

2. Mr.K.M.Parikh, learned advocate for the appellant submits that the departmental inquiry has been proceeded and completed against the plaintiff i.e. respondent No.1 and the plaintiff i.e. respondent No.1 has been held guilty of charge levelled against him and accordingly the punishment has already been awarded on the plaintiff. In view of this, this appeal has become infructuous and, therefore, it can be disposed of.

3. In view of what is stated hereinabove, this appeal stands disposed of, as it has become infructuous. No order as to costs.

sd/-

(H.H.Mehta,J.)

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